

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VANESSA PAYNE,

Plaintiff,

VS.

FIRST NATIONAL COLLECTION
BUREAU, INC.,

Defendant.

Case No. 4:15CV909 CDP

MEMORANDUM AND ORDER

This newly filed case is before me on my review. It appears the complaint contains typographical errors and allegations that do not apply to this case. For example, there is one female plaintiff and one defendant listed in the caption of the complaint, yet at various times in the complaint counsel refers to plaintiff as “he” or mentions plural “defendants.” Although there are no class action allegations made in the body of the complaint and no class-wide relief is sought, the complaint is titled “Class Action Complaint.” In addition, paragraph 8 of the complaint alleges that “the Law Offices of Gamache & Myers, P.C. sent Plaintiff the letter attached as Exhibit 1.” However, the next paragraph alleges that defendant sent the letter. There are no other references to Gamache & Myers in the complaint.

By filing this complaint, counsel represented to this Court that, among other things, his factual contentions have evidentiary support. *See* Fed. R. Civ. P. 11(b)(3).


Here, it appears that counsel may not have adequately reviewed the complaint before he filed it, which raises the concern that counsel did not meet his ethical and Rule 11 obligations with respect to this pleading.

The Court's electronic case filing records indicate that plaintiff's lawyer has filed more than 170 cases in this court in the last four years, which is an extremely high volume. Lawyers are not allowed to ignore the rules of ethics just because they have high-volume practices and bring the same type of case over and over again. I will require plaintiff to file an amended complaint correcting these obvious errors. As it appears that plaintiff has not yet achieved service on defendant, I will require that plaintiff's counsel serve defendant with a copy of this order and a copy of the amended complaint when he serves defendant with the original complaint and summons.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall file an amended complaint in compliance with this order no later than June 24, 2015, or this action will be dismissed without prejudice.

IT IS FURTHER ORDERED that counsel must include a copy of this order and the amended complaint along with the summons and complaint to be served on defendant.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 11th day of June, 2015.